

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

SHAWN O'HARA

VS.

CASE NO. 2:06cv86-KS-MTP

PETAL POLICE DEPARTMENT, ET AL

ORDER

This cause is before the Court on Motion to Dismiss or in the Alternative, Motion for More Definite Statement and also on Motion for Hearing and Oral Argument on Motion to Dismiss, or in the Alternative, Motion for More Definite Statement, no response thereto by Plaintiff and the Court after considering same finds that the Motion to Dismiss should be **denied** and the Motion for More Definite Statement should be **sustained** and the Motion for Oral Argument on Motion to Dismiss, etc., should be **denied as moot** for the following reasons, to-wit:

Plaintiff, Shawn O'Hara ("O'Hara") has filed an inartfully drawn Complaint against the Petal Police Department and eighteen other defendants. In his Complaint he alleges, "defendants have violated eight of Shawn O'Hara's twenty-seven U.S. constitutional amendment rights." Additionally, O'Hara alleges that Defendants have violated 28 U.S.C. 1983 and the 1965 Voting Rights Act. O'Hara alleges that two Petal police officers harassed him on March 29, 2005, and in the Complaint and its mense allegations, he alleges a Complaint sufficient to withstand a 12(b)(6) motion. However, the Movant, Mayor Tony Phillips, is entitled to a more definite statement pursuant to Rule 12(e) of the Federal Rules of Civil Procedure. The allegations as they apply to Mayor Phillips are vague, ambiguous and less than conducive to filing of a complete and

timely answer.

For said reason, the Motion for a More Definite Statement pursuant to Rule 12(e) is **granted** and the Plaintiff, Shawn O'Hara, is granted thirty (30) days from the date of this order to file an Amended Complaint or a More Definite Statement specifically stating the claims that he has against Mayor Phillips. He should individually specify the constitutional violations he claims Mayor Phillips committed and shall allege the facts that substantiate such allegations. Each violation is to be individually stated with particularity and set apart from the other alleged violations in the amended pleading.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Motion to Dismiss is hereby **denied**, the Motion for More Definite Statement is **sustained as above described** and **finding as moot** the Motion for Oral Argument. Plaintiff is granted thirty (30) days to comply with this order.

SO ORDERED AND ADJUDGED on this, the 30th day of August, 2006.

s/ *Keith Starrett*
UNITED STATES DISTRICT JUDGE